

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:12-00034

JONATHAN LEE CAVENDER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On September 25, 2013, the United States of America appeared by Monica D. Coleman, Assistant United States Attorney, and the defendant, Jonathan Lee Cavender, appeared in person and by his counsel, Thomas J. Gillooly, for a hearing on the petition on supervised release and amendments thereto submitted by United States Probation Officer Justin L. Gibson. The defendant commenced a three-year term of supervised release in this action on December 7, 2012, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on July 9, 2012.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant failed to report to the probation officer as directed on December 18, 2012, inasmuch as on that date at approximately 8:30 a.m. he was told to report at 1:00 p.m. and he failed to do so; (2) the defendant failed to appear and participate in substance abuse counseling and treatment as directed on December 28, 2012, and January 10, 2013; (3) the defendant failed to timely notify the probation officer of his change in employment; (4) the defendant committed another federal and state offense and possessed a controlled substance without a prescription inasmuch as on December 16, 2012, he was cited for the offense of simple possession of a Schedule III controlled substance, for which he was convicted on January 4, 2013, and assessed a fine and court costs; (5) the defendant used and possessed Suboxone without a prescription as evidenced by positive urine specimens submitted by him on February 6 and July 10, 2013; (6) the defendant failed to abide by the special condition that he spend six months in the Lebanon Community Corrections Center inasmuch as he entered the program on April 16, 2013, and was discharged

on July 10, 2013, for failing to abide by the rules and regulations of the facility, including being in possession of Suboxone without a prescription; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release and amendments thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

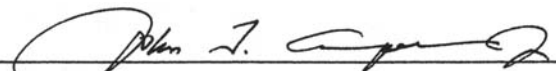
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant is in need of correctional treatment which can most effectively be provided if he is confined, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of ONE YEAR AND ONE DAY, to be followed by a term of two (2) years less one day

of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he spend six (6) months in a community confinement center, follow the rules and regulations of the facility, and participate in drug abuse counseling and treatment.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: October 10, 2013



John T. Copenhaver, Jr.
United States District Judge